REMARKS

Claims 1-15 remain in the application. The Examiner is thanked for his expeditious indication of allowability of claims 1, 3, and 6-11. Also, claims 2, 4, and 5 have now been amended as thoughtfully suggested by the Examiner in the first paragraph on page 2 of the Office Action. It is accordingly thought that claims 2, 4, and 5 should also be allowable.

Claims 13, 14, and 15 have also been amended to overcome the Examiner's objection thereto as set forth on page 2, paragraph 1 of the Office Action.

Claims 12-15 stand rejected as being obvious in light of Chen et al. '995 and Fiarman et al. '686. The '995 patent to Chen et al., to be sure, discloses polymers of the (meth)acrylic acid/allyl ether type. However, no hint or suggestion is contained within this reference directed toward the incorporation into the polymer matrix of a hypophosphorous acid moiety. Indeed, at column 5 of the '995 patent, only alcohols, amines, and mercapto compounds are mentioned as exemplary chain transfer agents. To be sure, the Fiarman et al. patent discloses the use of hypophosphorous acid or salts thereof as chain transfer agents. This much is pointed out in the prior art section of the instant application, namely paragraphs 11-13. However, Fiarman et al. contains no hint or suggestion as to the desirability of using hypophosphorous acid or its salts as a chain transfer agent in the (meth)acrylic acid/allyloxy polymers.

When an obviousness argument is based on a combination of prior art references, the "relevant inquiry" is whether there is a reason, suggestion, or motivation in the prior art that would lead one of ordinary skill in the art to combine the references, and that would suggest a reasonable likelihood of success. *Smiths Industries Medical Systems, Inc. v. Vital Signs, Inc.*, 183 F 3d 1347, 1356 (Fed. Cir. 1999). The Court of Appeals for the Federal Circuit has consistently held that obviousness requires a finding that "a skilled artisan, confronted with the same problem as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed." *In re Rouffet*, 149 F 3d, 1350, 1357 (Fed. Cir. 1998).

In the case at bar, Fiarman presents no motivation to incorporate a phosphorous acid moiety into the polymers disclosed by Chen. In fact, in light of the difficulty in incorporating same and the expense involved as set forth in column 1, lines 30-50 of the Fiarman disclosure, a skilled artisan, in making the combination requested, would not proceed with a reasonable likelihood of success.

For all of the above reasons, it is respectfully submitted that all of the claims in the application are now in proper form for allowance. The prompt issuance of a Notice of Allowance is accordingly solicited.

The Examiner is invited to call the undersigned attorney if, during the course of reconsideration of this application, any question or comment should arise.

Respectfully submitted,
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